

40.230.020 MIXED USE DISTRICT (MX)

- A. Purpose. The Mixed Use (MX) district requires mixed use developments to provide the community with a mix of mutually-supporting retail, service, office and residential uses. It promotes cohesive site planning and design which integrates and interconnects two or more land uses into a development that is mutually supportive. It provides incentives to develop a higher-density, active, urban environment than generally found in a suburban community, and which is further expected to:
1. Achieve goals and objectives of the community framework plan and the comprehensive plan;
 2. Enhance livability, environmental quality and economic vitality;
 3. Accommodate and respect surrounding land uses by providing a gradual transition adjacent to lower density neighborhoods that may encircle a potential mixed use site.
 4. Maximize efficient use of public facilities and services;
 5. Provide a variety of housing types and densities;
 6. Reduce the number of automobile trips and encourage alternative modes of transportation; and
 7. Create a safe, attractive and convenient environment for living, working, recreating and traveling.
- B. Applicability.
1. General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed use on the zoning map.
 2. Interpretation. If the requirements of the mixed use district conflict with other regulations, the more stringent of the two shall apply as determined by the responsible official.
- C. Definitions. For the purposes of this section, the following definitions shall apply:
1. "Mixed use development" shall mean a group of structures planned as a single entity and containing within and/or among them a variety of complementary, and/or mutually supporting uses (such as housing, offices, retail, public service or entertainment).
 2. "Developable area" means that portion of the site which is unencumbered by environmentally sensitive lands to be protected and their respective buffers, designated parks and open space, public right-of-way, and road easements.
 3. "Building footprint" means the area contained within the exterior building walls of the ground floor of a building plus the area of any portion of upper floors that extend outside of the footprint of the ground floor.
 4. "Cottage housing" means a collection of small single-family detached dwelling units arranged around a common open space.
 5. "Mixed use building" means any building that combines both permitted residential and non-residential uses.
 6. "Net ground floor area" means non-residential floor area and excludes parking areas.
 7. "Senior housing" means dwelling units specifically for occupancy by persons fifty-five (55) years of age or older.
- D. Uses. Permitted or conditional uses in the Mixed Use (MX) district are shown in Table 40.230.020-1. Residential uses are permitted so long as the minimum required densities of this section are met. The appropriate review authority is mandatory.
- "P" Uses allowed subject to approval of applicable permits.
- "R/A" Uses permitted upon Review and Approval as set forth in Section 40.520.020.
- "C" Conditional uses which may be permitted subject to the approval of a Conditional Use Permit as set forth in Section 40.520.030.
- "X" Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Special Uses (Chapter 40.260) or other applicable chapters are noted in the "Special Standards" column.

Exhibit A

Table 40.230.020-1. Uses ¹		
	MX	Special Standards ²
1. Residential uses.		
a. Existing residences without any increase in density.	P	
b. Single-family dwelling, attached and detached ³	P	
c. Accessory dwelling unit ⁴	P	
d. Duplex dwelling	P	
e. Townhouse dwelling	P	
f. Multifamily dwelling	P	
g. Home businesses	R/A	40.260.100
h. Bed and breakfast establishments	P	40.260.050
i. Retirement housing facility	P	
j. Cottage housing developments ⁵	P	
2. Retail Sales—Food.		
a. Markets (<35,000 square feet or less of building footprint)	P	
b. Markets (35,000 to 59,000 square feet of building footprint) ⁶	P	
c. Bakery--primarily retail outlet (<10,000 square feet of building footprint)	P	
3. Retail Sales—General.		
a. General retailer (<50,000 square feet of building footprint)	P	
b. General retailer (50,000 to 100,000 square feet of building footprint) ⁷	P	
c. Single purpose/specialty retailers (<25,000 square feet building footprint)	P	
d. Single purpose/specialty retailers (25,000 to 50,000 square feet building footprint) ⁷	C	
e. Yard and garden supplies, including nurseries	P	
4. Retail Sales—Restaurants, Drinking Places.		
a. Restaurants, with associated drinking places, alcoholic beverages	P	
b. Drinking places, alcoholic beverages (with or without entertainment)	P	
5. Retail Sales and Services—Automotive and Related.		
a. Commercial off-street parking facilities	P	
b. Transportation terminals--People.	P	
6. Retail Sales—Building Material and Farm Equipment.		
a. Hardware, home repair and supply stores (25,000 to 50,000 square feet building footprint)	P	
b. Hardware, home repair and supply (50,001 to 100,000 square feet building footprint) ⁷	P	
7. Retail Sales—Products⁹		
a. Uses (<25,000 square feet building footprint)	P	
8. Services—Personal.		

Exhibit A

Table 40.230.020-1. Uses¹		
	MX	Special Standards²
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	P	
b. Barber and beauty shops	P	
9. Services—General.		
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (<25,000 square feet building footprint)	P	
b. Office equipment and home appliance rental, service and repair agencies	P	
c. Printing, publishing and lithographic shops	P	
d. Services to buildings (including dwellings), cleaning and exterminating	C	
e. Branch banks ¹⁰	P	
f. Event facilities (<10,000 square feet building footprint)	P	
g. Event facilities (10,000 to 50,000 square feet building footprint)	C	
10. Services—Lodging Places.		
a. Hotels/motels	P	
11. Services—Medical and Health.		
a. Outpatient clinics	P	
b. Medical laboratories	C	
c. Convalescent and rest homes	C	
d. Orthopedic equipment and supplies, rental, sales and services	P	
e. Animal hospitals and veterinary clinics		
(1) Outside animal activities	X	
(2) Inside animal activities only	P	
(3) Animal daycare	C	
f. Ambulance services	P	
g. Residential care homes	C	
h. Residential care facilities	C	
12. Services—Professional Office.		
a. Professional offices	P	
b. Medical and Dental Offices	P	
c. Artists/photographic studios	P	
13. Services—Amusement.		
a. Bowling alleys, billiard and pool parlors, and video arcades	P	
b. Skating rinks, ice and/or roller	P	
c. Theaters, indoor	P	
d. Athletic, health and racket clubs	P	
14. Services—Educational.		
a. Nursery schools, preschools	P	40.260.160
b. Day care facilities consistent with Chapter WAC 388.73	P	40.260.160
c. Elementary schools	C	

Exhibit A

Table 40.230.020-1. Uses¹		
	MX	Special Standards²
d. Libraries	P	
e. Vocational schools	C	
f. Artistic studios and schools including but not limited to dance, music and martial	P	
g. Public parks, parkways, recreation facilities, trails and related facilities	P	
15. Services--Membership Organizations.		
a. Business, professional and religious (not including churches)	P	
b. Civic, social, fraternal, charitable, labor and political	P	
c. Churches	C	
16. Public Services and Facilities.		
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations	C	
b. Sewer, water and utility transmission lines	P	40.260.240
c. Wireless communications facilities	P/C	40.260.250
d. Zoos, museums, historic and cultural exhibits ⁶	C	
e. U.S. Post Offices	P	
f. Public transit facilities including park and ride facilities	P	
17. Resource Activities.		
a. Agriculture	P	40.260.040
b. Silviculture	P	40.260.080
18. Accessory Uses and Activities.		
a. On-site hazardous waste treatment and storage facilities, subject to State Siting Criteria (RCW 70.105.210).	P	
b. Drive-through, drive-in or drive-up ¹⁰	X	
c. Open Air Activities		
(1) Open air display of plants and produce permitted in conjunction with a permitted use ¹¹	P	
(2) Open air activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands.	P	
19. Other Uses		
a. Temporary uses	R/A	40.260.220
b. Private use heliports	X	
c. Solid waste handling and disposal sites	X	

¹ All new development is subject to the Mixed Use Design Standards per 40.230.020(F).

² "Special Standards" refers to additional requirements per the Clark County Code.

³ Provided they account for no more than thirty percent (30%) of the total dwelling units on the development site.

⁴ For purposes of density calculations, accessory dwelling units shall qualify as a dwelling unit.

⁵ Provided they account for no more than fifty percent(50%) of the total dwelling units on the development site including the open space.

⁶ Development site ten (10) acres or greater.

⁷ Development site twenty (20) acres or less.

⁸ Development site less than ten (10) acres.

⁹ Finished product retailers with primary fabrication or assembly on site with an entirely enclosed building.

¹⁰ Drive-through, drive-in or drive-up facilities are an allowed use for branch banks only.

¹¹ These areas must be identified and approved on the site plan.

E. Mixed Use standards

Exhibit A

1. Residential.

a. Whether within a single building or on a development site, a minimum of twenty percent (20%) of the development shall be non-residential and a minimum of twenty percent (20%) of the development shall be residential. This percentage shall be calculated by determining the percent of developable area devoted to each type of use. For mixed use buildings, the percentage shall be calculated by one of the following methods:

- (1) The percentage of total building's floor area devoted to residential to non-residential uses.
- (2) The percentage of net ground floor area (for non-residential uses) to gross ground floor area (residential and/or parking areas).

Exception: the responsible official may allow a reduction in the percentage of required non-residential uses, to a minimum of five percent (5%) provided all of the following criteria area met:

- (1) The development includes a vertical mix of uses in one or more mixed use buildings. This shall include space for non-residential uses on at least a portion of the ground floor and residential uses on one or more upper floors;
- (2) The development site is not larger than two (2) acres; and
- (3) All ground floor residential units facing a public street shall maintain a minimum structural ceiling height of thirteen (13) feet to provide the opportunity for future conversion to non-residential uses.

b. A minimum density of eighteen (18) dwelling units per acres is required. This shall be based on the developable area devoted to residential use.

c. The maximum density shall be forty-three (43) dwelling units per acre. This shall be based on the developable area devoted to residential use. Exception: there shall be no maximum density for buildings featuring vertical mix of uses. To qualify, non-residential uses (net ground floor area) shall occupy at least fifty percent (50%) of the building's gross ground floor area.

Residential uses shall occupy one or more upper floors.

d. Conversion of Existing Structures. An existing residential structure may not be converted to a commercial or office use unless consistent with this chapter.

2. Non-residential. All uses on the ground floor must maintain minimum structural ceiling height of thirteen (13) feet.

F. Design Standards. All new development shall be designed in accordance with the Mixed Use Design Standards as set forth in Appendix D of this title.

G. Incentives. A reduction of the TIF may be granted pursuant to this section with the implementation and maintenance of the corresponding action in Table 40.230.020-2 on approval of the responsible official.

Table 40.230.020-2. Incentive

Action	Maximum TIF Credit
Installation of on-site sheltered bus-stop (with current or planned service) or a sheltered bus stop within ¼ mile of site with adequate walkways if approved by C-TRAN	1% credit to cover up to 80% of cost.
Installation of bike lockers	1% credit to cover up to 80% of cost.
Connection to existing or future regional bike trail	1%
Installation of paid parking (by resident or employee)	3% credit to cover up to 80% of cost.
Provision of Flex Car for project	1% credit to cover up to 80% of cost.
Total if all strategies were implemented	7%

H. Approval Process.

Exhibit A

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2 1. Site plan review required. Mixed use developments shall require submittal of a site plan, as
3 required under Section 40.520.040, Site Plan Review and Table 40.510.050-1, Application
4 Submittal Requirements. The mixed use site plan shall be processed under the Type III review
5 process, per Section 40.510.030.
6 a The applicant for a proposed mixed use development shall certify that two or more of the
7 following have been involved with the preparation of the preliminary mixed use development
8 plan:
9 (1) An architect licensed in the state of Washington; and/or
10 (2) A landscape architect licensed in the state of Washington; and/or
11 (3) A registered civil engineer or a registered land surveyor licensed in the state of Washington;
12 and/or
13 (4) A certified arborist, if a vegetation management plan is required.
14 b. One of the above professionals shall be designated by the applicant to be responsible for
15 submitting materials to and communicating with the responsible official with respect to the
16 concept and details of the development plan. This applicant designee shall act as a liaison
17 between the responsible official, the design team and the applicant. The selection of this liaison
18 shall not prevent the applicant or any member of the design team from conferring with the
19 responsible official or presenting material to the responsible official. The responsible official
20 may require that the expertise of other professionals be used in the planning and development of
21 the mixed use development if it is determined that the site merits special consideration due to
22 particularly unusual or adverse features or conditions.
23 c. All plans and specifications required for the development shall be prepared and designed by
24 engineers and/or architects licensed in the state of Washington.
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26 2. Neighborhood Meeting Required. A neighborhood meeting shall be held prior to submission of an
27 application for a mixed use development. The applicant shall hold a public meeting to offer
28 owners of property adjacent to the affected property an opportunity to participate in the
29 development process. A pre-application conference is not a substitute for the required
30 neighborhood meeting. The applicant shall follow the neighborhood meeting guidelines
31 established by the county.
32 a. The neighborhood meeting shall be held within ninety (90) days prior to submitting the
33 application.
34 b. The applicant shall send a notice of the meeting at least fifteen (15) days prior to the
35 neighborhood meeting to:
36 (1) The official representative(s) of the county-recognized neighborhood association(s), if
37 applicable, in whose boundaries the affected property is located, based on the list of official
38 neighborhood associations kept by the responsible official, and
39 (2) Residents and property owners of record of property within a radius of five hundred (500)
40 feet of the subject property. The records of the County Assessor shall be used for
41 determining the property owners of record, and
42 (3) The responsible official.
43 c. The notice must identify the date, time and place of the meeting and provide a brief
44 description of the proposed development.
45 d. A copy of the notice, proposed development plan as presented at the meeting, the mailing list,
46 meeting summary and the sign-in sheet from the meeting shall be submitted with the
47 application.
48 3. Master Plan. All developments with proposed phasing of uses shall submit a Master Plan pursuant
49 to Section 40.520.070.
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